



Patent Amendment

- 1 -

S/N:09/729,491, Art Unit: 3637

1 "Express Mail" mailing label number **EV 183 64 8725**

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Charles R. Cypher, Reg. No. 41,694

Date of Deposit: March 17, 2003

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**MAR 21 2003**

**GROUP 3600**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

10 In re patent application of:

Inventors/Assignors:	William F. Leek
Serial No.:	09/729,491
Filed:	December 3, 2000
15 Title:	Automatic Take-Up Device with Internal Spring
Examiner:	Tran A, Phi Dieu N
Art unit:	3637
20 Attorney Docket No.:	SST/1035

**SUBMISSION UNDER 37 CFR. §1.114**

Commissioner for Patents  
Washington, D.C. 20231

25

Sir:

Applicant requests that the Examiner consider the following information disclosure statement under 37 CFR §1.114, as Applicant has  
30 filed a Request for Continued Examination.

**Remarks**

With this submission no amendments are being made to the claims or specification. There are 20 claims pending in the application. Claim 1 is the  
35 only independent claim.

The examiner has allowed all of the claims pending in the application, and Applicant thanks the examiner for the most recent Notice of Allowability with the examiner's statements regarding the allowable subject matter, and

1 the examiner's statement that the drawings mailed November 14, 2002 have  
been accepted. The notice was mailed December 17, 2002, along with a  
Notice of Allowance and Issue Fee Due Notice.

## 5 Information Disclosure Statement

Applicant thanks the examiner for considering the references already  
submitted in the information disclosure statements in this application.

Since the mailing of the Notice of Allowability, Applicant has obtained  
the declaration of Arthur B. Richardson concerning work to make and  
10 publicize an automatic take-up device for tension tie-down systems in  
wood-framed buildings that he and his partners conducted at least as early as  
1998. This declaration and its attachments are enclosed, and it is listed in  
the accompanying information disclosure statement.

Applicant has previously brought to the attention of the examiner a  
15 brochure, entitled ANCHOR TIEDOWN SYSTEMS, INC., which carries the  
date 1999. The previously submitted brochure is related to the subject  
matter of the enclosed declaration.

This declaration was gathered in connection with a law suit, the  
assignee of this application has filed against Alfred D. Commins, the named  
20 inventor on U.S. Patent 6,390,747 B1. U.S. Patent 6,390,747 B1 claims  
and teaches an automatic take-up device for tension tie-down systems in  
wood-framed buildings. U.S. Patent 6,390,747 B1 was filed April 25, 2000,  
and claims priority from a provisional application filed on September 24,  
1999. U.S. Patent 6,390,747 is also the parent application for currently  
25 pending application 10/146,531, filed on May 15, 2002.

The assignee of the present application, Simpson Strong-Tie Company,  
Inc., filed a first amended complaint against Alfred D. Commins in the United  
States District Court, Northern District of California, Docket Number C 03  
0115 (SBA), on March 17, 2003. Among other claims for relief sought from  
30 Alfred D. Commins, the Assignee of the present application, Simpson  
Strong-Tie Co., Inc., is seeking specific performance. Simpson Strong-Tie  
Company, Inc. is asking the court to require Alfred D. Commins to assign an  
ownership interest in U.S. Patent 6,390,747 to it. Simpson Strong-Tie Co.,  
Inc. is the former employer of Alfred D. Commins.

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## Conclusion

1 Applicant believes that claims 1 — 20 are patentable over the  
materials submitted with this paper. Allowance of the claims at an early date  
is solicited.

The undersigned wishes to state that if the Examiner has questions  
5 about this submission, the undersigned would be most happy to try to  
answer them on the telephone.

Respectfully submitted,

10

Reg. No. 41,694

Date: March 12, 2003

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By:   
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PATENT

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EV 183 64 8725



Patitioner's Docket No. SST/1035

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Leek, William F.

Application No.: 09/729,491

Group No.: 3637

Filed: 12/03/2000

Examiner: Tran A, P.

For: Automatic Take-up Device with Internal Spring

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GROUP 3600

EXPRESS MAIL CERTIFICATE

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I hereby state that the following *attached* paper or fee

Return Receipt Card,

Check no. 9408 \$750.00,

Request for Continued Examination (4 pgs),

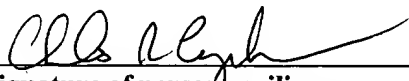
Submission Under 37 C.F.R. Section 1.114 (3 pgs),

Information Disclosure Statement (8 pgs),

1 References (108 pgs)

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Charles R. Cypher

  
Signature of person mailing paper or fee

12/02



EV 183 64 8725

Practitioner's Docket No. SST/1035

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Leek, William F.

Application No.: 09/729,491

Group No.: 3637

Filed: December 3, 2000

Examiner: Tran A, P.

For: Automatic Take-up Device with Internal Spring

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GROUP 3600

Commissioner for Patents  
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

CERTIFICATION UNDER 37 C.F.R. Sections 1.8(a) and 1.10\*

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37 C.F.R. section 1.8(a)

37 C.F.R. section 1.10\*

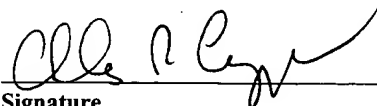
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Date: March 17, 2003

  
Signature

Charles R. Cypher

(type or print name of person certifying)

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"Since the filing of correspondence under [section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement

Pg 1 of 8  
cm 3/17/03

**EV 183 64 8725**

**List of Sections Forming Part of This Information Disclosure Statement**

The following sections are being submitted for this Information Disclosure Statement:

1. Preliminary Statements
2. Forms PTO/SB/08A and 08B (formerly Form PTO-1449)
3. Copies of Listed Information Items Accompanying This Statement
4. Concise Explanation of English Language Listed Information Items (Optional)
5. Identification of Person(s) Making This Information Disclosure Statement

**EV 1 8 3 6 4 8 7 2 5**

**Section 1. Preliminary statements**

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.



**EV 183 64 8725**

**Section 2. Forms PTO/SB/08A and 08B (substitute for Form PTO-1449)**

(Insert form(s) PTO/SB/08A [Form 6-2] and/or form(s) PTO/SB/08B [Form 6-2.1].)

**EV 183 64 8725**

**Section 3. Copies of Listed Information Items Accompanying This Statement**

Legible copies of all items listed in Forms PTO/SB/08A and 08B (substitute for Form PTO-1449) accompany this information statement.

**Section 4. Concise Explanation of English Language Listed Information Items**

Declaration of Arthur B. Richardson

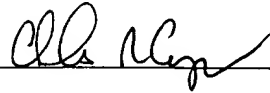
The enclosed declaration concerns the efforts of Mr. Richardson and his former partner to make and publicize an automatic take-up device for use with wood-framed buildings at least as early as 1998. The automatic take-up device described in the declaration is related to the automatic take-up device shown in a brochure previously submitted to the Patent Office by Applicant. The brochure was dated 1999 and entitled ANCHOR TIE-DOWN SYSTEMS, INC.

**Section 5. Identification of Person Making This Information Disclosure Statement**

The person making this certification is:

- a. the practitioner who signs below on the basis of the information in the practitioner's file.

Date: March 17, 2003



Charles R. Cypher  
Registration No. 41694  
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Oakland, CA 94612-2747  
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